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**THE VILLAGE OF WILLOW SPRINGS  
COOK COUNTY, ILLINOIS**

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**ORDINANCE  
NUMBER 2019-O-03**

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**ORDINANCE AMENDING TITLE 5, CHAPTER 3 OF THE WILLOW SPRINGS  
VILLAGE CODE REGARDING TREES AND PLANTS**

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**VILLAGE OF WILLOW SPRINGS  
ORDINANCE 2019-O-03**

**ORDINANCE AMENDING TITLE 5, CHAPTER 3 OF THE WILLOW SPRINGS  
VILLAGE CODE REGARDING TREES AND PLANTS**

**BE IT ORDAINED BY THE VILLAGE BOARD OF THE VILLAGE OF WILLOW SPRINGS,  
ILLINOIS:**

**SECTION 1:** Title 5, Chapter 3 of the Willow Springs Municipal is hereby amended in its entirety to read as follows:

**5-3-1: DEFINITIONS:**

The following words and phrases, when used in this chapter, shall have the meaning respectively ascribed to them in this section:

MUNICIPAL PROPERTY: Any parking lot, parkway, right-of-way or other property under the control or jurisdiction of the village.

PUBLIC HIGHWAY: Any land lying between any private property line and any public streets, roadways and alleys.

TREES, SHRUBS AND PLANTS: All vegetation, woody or otherwise, except lawn grass and flowers less than 24 inches in height.

**5-3-2: PLANTING OF TREES:**

Any person who may wish to plant trees for shade or ornamental purposes on any public highways or municipal property of this Village may be permitted to do so, provided they first obtain a written permit therefor from the building commissioner. The application for such permit shall designate the location and the species of the trees, shrubs or plants to be planted and the method proposed to be followed. The building commissioner shall have the authority to

refuse the granting of such permit when such planting is likely to create a public danger or nuisance or be detrimental to the growth of adjacent trees.

#### **5-3-3: AUTHORITY OF THE PUBLIC WORKS DIRECTOR:**

- A. Generally: The public works director shall have the authority to plant, maintain and control all trees, shrubs and plants planted or to be planted on the public highways and municipal property.
- B. Removal of Trees: It shall be the duty of the public works director to remove or cause to be removed all trees, shrubs or plants, planted upon the public highways and municipal property when, in his judgment, such removal shall be beneficial to the peace, health and safety of the public and public improvements, or where such trees, shrubs or plants are detrimental to the growth of the adjacent trees.

#### **5-3-4: PROTECTION OF TREES AND PLANTS:**

No person shall prune, cut, molest, break, deface, destroy, spray, repair or do surgery work on any such tree or part thereof or in any manner interfere with, disturb or injure any tree, shrub or plant upon the public highways or municipal property; nor shall any chemical be used for the control of insects, or any other diseases or for any other reason; nor shall any person permit any chemical, either solid or fluid, to seep, drain or be emptied on or about any tree, shrub or plant that is now or may hereafter be growing upon a public highway or municipal property, without first obtaining a permit from the building commissioner.

#### **5-3-5: PUBLIC NUISANCES:**

- A. The following are declared to be public nuisances under this chapter:
  - 1. Any dead or dying tree, shrub or other plan, wherever located;

2. Any otherwise unhealthy tree, shrub or other plant, wherever located, which harbors any insects or diseases which reasonably may be expected to injure or harm any tree, shrub or other plant;
  3. Any tree, shrub, other plant, or portion thereof, wherever located, which by reason of location or condition constitutes an imminent danger to the health, safety or welfare of the general public;
  4. Any tree, shrub or other plant or portion thereof wherever located, which obstructs the free passage of pedestrian or vehicular traffic or which obstructs a street light;
  5. Any tree, shrub or other plant or portion thereof wherever located, which dangerously obstructs the view of any street, drive-way or other means of traffic ingress and egress.
- B. Right to Inspect. The officers, agents and employees of the village have the authority to enter onto private property whereon there is located a tree, shrub, plant or plant part that is suspected of being a public nuisance.
- C. Abatement. It shall be the responsibility of the owner of any property, on which a public nuisance is located, to remove said nuisance within seven (7) days of being notified by the village. If any property owner fails to remove such nuisance within the specified time period, the village may remove (or cause to be removed) the nuisance. The cost of such abatement shall be filed as a lien against the property on which the nuisance was located.

#### **5-3-6: PROHIBITED ACTS:**

- A. Interference: No person shall unreasonably hinder, prevent, delay or interfere with any officer, agent or employee of the village while engaged in the execution or enforcement of this chapter.

B. Excavations Near Trees: No person shall excavate any ditches, tunnels or trenches, within a radius of ten feet (10') from any tree, shrub or plant that is now or may hereafter be, growing upon any public highway or municipal property, without first obtaining a written permit from the building commissioner.

**SECTION 2:** This Ordinance shall not be held to repeal a former ordinance as to any offense committed against the former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatsoever affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred to any right accrued to claims arising before this Ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceedings, as far as practicable.

**SECTION 3:** That if any part or parts of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of the remaining parts of this Ordinance. The Village Board declare hereby that they would have passed the remaining parts of this Ordinance, if they had known that such part or parts thereof would be declared unconstitutional.

**SECTION 4:** The Village Clerk of the Village of Willow Springs is directed hereby to publish this Ordinance in pamphlet form.

**SECTION 5:** This ordinance shall be in full force and effect following its passage, approval, and publication in pamphlet form.

**Ordinance 2019-O-03, approved and adopted** by the President and Board of Trustees of the Village of Willow Springs, Cook County, Illinois this 14<sup>th</sup> day of February 2019, pursuant to a roll call vote, as follows:

	PRESENT	ABSENT	YES	NO	ABSTAIN
Trustee Birks	✓		✓		
Trustee Carr	✓		✓		
Trustee Kennedy	✓		✓		
Trustee Neddermeyer	✓		✓		
Trustee Posch	✓		✓		
Trustee Stanphill	✓		✓		
President Carpino	✓				
TOTAL	7	0	6	0	0

  
John M. Carpino, Village President

ATTEST:

  
Mary Jane Mannella, Village Clerk



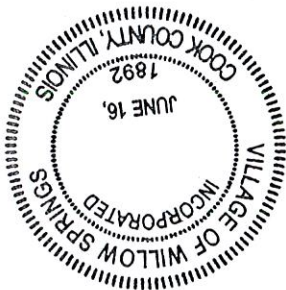
STATE OF ILLINOIS       )  
                                      ) SS  
COUNTY OF COOK       )

**CERTIFICATION**

I, Mary Jane Mannella, DO HEREBY CERTIFY that I am the duly qualified and appointed Village Clerk of the Village of Willow Springs, Cook County, Illinois, and that as such Village Clerk I do have charge of and custody of the books and records of the Village of Willow Springs, Cook County, Illinois.

I DO HEREBY FURTHER CERTIFY that the foregoing is a full, true and correct copy of **ORDINANCE NO. 2019-O-03, "ORDINANCE AMENDING TITLE 5, CHAPTER 3 OF THE WILLOW SPRINGS VILLAGE CODE REGARDING TREES AND PLANTS"**, adopted and approved by the President and Board of Trustees of the Village of Willow Springs, Illinois, on **FEBRUARY 14, 2019** and published in pamphlet form on **FEBRUARY 14, 2019**.

IN WITNESS WHEREOF, I have hereunto affixed my hand and the Corporate Seal of the Village, on **FEBRUARY 14, 2019**.



  
Mary Jane Mannella, Village Clerk  
Village of Willow Springs, Cook County, Illinois